

DAC(s)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 5,582,982  
Issued: December 10, 1995  
Serial No.: 08/315,673  
Filing Date: September 30, 1994



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Docket No.: D-5050-CCC  
Examiner: Ford, J.

#416

Applicants: Caskey et al.

Title: Multiplex Genomic DNA Amplification  
for Deletion Detection

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OCT 29 1998

Box DAC  
Assistant Commissioner for Patents  
Washington, DC 20231

OFFICE OF PETITIONS  
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**REQUEST FOR OFFICE TO ACCEPT FEES**  
**PURSUANT TO 37 C.F.R. § 1.28**

Dear Sir:

Applicants respectfully request that the PTO accept Applicants' submission of the fee difference between a small entity fee paid and the non-small entity fee due at the time of submission. Applicants submitted these fees on January 13, 1998. (Copy of petition submitting fees attached.)

Pending a decision in the appeal to the CAFC of *DH Technology, Inc. v. Synergystex International, Inc.*, 937 F. Supp. 902 (N.D. Cal. 1996) the PTO held the acceptance of Applicants' fee submission in abeyance. Applicants now note that the CAFC has ruled that a petition to revive is not required before the aforementioned fees can be accepted. See *DH Technology, Inc. v. Synergystex International, Inc.*, 154 F.3d 1333 (Fed. Cir. 1998) (attached).

Therefore, Applicants urge acceptance of the fees tendered in this Application on January 13, 1998.

Respectfully submitted,

Ross E. Davidson  
Registration No. 41,698  
Counsel for Applicants

Date: 10/23/98  
Fulbright & Jaworski L.L.P.  
1301 McKinney, Suite 5100  
Houston, Texas 77010-3095  
(713) 651-5144

Certificate of Mailing

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10-23-98  
Date

  
Neva M. Dare



#46

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	U.S. Patent No. 5,582,982	\$	Docket No.: D-5050-C-C-C
		\$	
		\$	
Filing Date:	September 30, 1994	\$	
		\$	
Applicants:	Caskey et al.	\$	Examiner: A. Marschel
		\$	
Title:	Multiplex Genomic DNA	\$	
	Amplification for Deletion	\$	
	Detection	\$	Art Unit: 1807

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Attn: Special Program Law Office  
Office of Petitions  
Assistant Commissioner for Patents  
Washington, D.C. 20231

OCT 29 1998

OFFICE OF PETITIONS  
DEPUTY A/C PATENTS

**NOTICE UNDER 37 C.F.R. § 1.28(c)  
OF APPLICANTS' ERROR IN CLAIMING SMALL ENTITY STATUS**

Dear Sir:

Applicants have discovered that small entity status was established in error on the above-referenced issued patent and some of its predecessor applications. Applicants erroneously claimed small entity status and paid small entity fees, believing in good faith that they were entitled to small entity status at the time the fees were paid.

As a result of the foregoing error, Applicants believe that the additional fees listed below are now due:

Application No. 08/315,673 (Patent No. 5,582,982)

Issue Fee	\$695.00
3 Mo. Extension Fee	\$500.00
1 Mo. Extension Fee (filed under '463)	\$55.00

I, hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C.

20231. on January 13, 1998

Neva M. Dore

Neva M. Dore 1-13-98  
Signature Date

Filing Fees

- Basic Fee	\$435.00
- Ind. Claims > 3 (11)	\$495.00
- Claims > 20 (4)	\$44.00

Application No. 08/060,463

Filing Fees

- Basic Fee	\$435.00
- Ind. Claims > 3 (7)	\$315.00

Application No. 07/770,742

Notice of Appeal

\$175.00

3 Mo. Extension Fee

\$545.00

Filing Fees

- Basic Fee	\$475.00
- Ind. Claims > 3 (7)	\$364.00

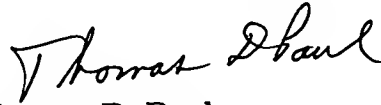
TOTAL FEES DUE TO UNDERPAYMENT AS A SMALL ENTITY

\$4,533.00

The above includes the preceding applications of Patent No. 5,582,982. Applicants believe that no additional fees are due on Application No. 07/256,689 because Applicants' claim of small entity status was proper at the time Application No. 07/256,689 was filed.

Pursuant to 37 C.F.R. § 1.28(c) Applicants herewith submit the fees representing the difference between small and large entity status for those fees which were incorrectly submitted. Please charge the sum of \$4,533.00 to the deposit account of Fulbright & Jaworski L.L.P., Account No. 06-2375, under Order No. 883159/D-5050, from which the undersigned is authorized to draw. If any additional fees are due or missing please also withdraw these fees from the same deposit account. An additional copy of this letter is attached for accounting purposes.

Respectfully submitted,



Thomas D. Paul  
Registration No. 32,714  
Counsel for Applicants .

Date: 1/13/98

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